IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 590 of 2002 (M/B)

Bhuwan Chandra Pandey (Advocate),
S/o Sri Heera Ballabh Pandey,
R/o Jai Prakash Narayan Marg,
Tallital, Nainital. …… Petitioner

Versus

1. State of Uttar Pradesh,
through Secretary, Irrigation,
Uttar Pradesh, Civil Secretariat,
Lucknow.
2. Executive Engineer,
Uttari Khand, Ganga Nahar,
Roorkee.
3. State of Uttaranchal,
through Chief Secretary,
Civil Secretariat, Dehradun. …… Respondents

Mr. Paresh Tripathi, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Paresh Tripathi, Advocate for the petitioner.

None for respondent No. 1.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 2 and 3.

2. The petitioner has filed this writ petition styled as 'Public Interest Litigation' for the following reliefs:

> "I. To issue a writ, order or direction in the nature of certiorari quashing the notice of auction dated 28/08/2002 issued by the respondent no. 2 contained as annexure no. 1 to the writ petition after summoning the original of the same from the respondents.
>
> II. To issue a writ, order or direction in the nature of mandamus restraining the respondents no. 1 and 2 from

holding the auction over the land / parking in question and the land falling in the territories of State of Uttaranchal and not to interfere in the land belonging to and falling within the territories of State of Uttaranchal.

III. To issue a writ, order or direction in the nature of mandamus commanding the respondent no. 3 to settle the rights regarding the parking in question as per its own decisions or policies.

IV. To issue a writ, order or direction as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case.

V. To award the cost of the petition."

3. In view of the facts narrated in the counter affidavit filed on behalf of respondents Nos. 2 and 3 and the fact that the notice of auction dated 28.08.2002, quashing whereof was sought in the writ petition, was for a period of one year only, we have no manner of doubt that, now, nothing survives in the writ petition for decision.

4. The writ petition, therefore, is dismissed as infructuous.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
04.03.2006 **04.03.2006**

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